

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**ANGEL D. RIVERA, et al.,
Plaintiffs**

v.

CIVIL NO. 05-2222(DRD)

**UNITED STATES OF AMERICA, et al.,
Defendants**

MOTION	ORDER
<p>Date Filed: 02/16/06 Docket #16 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: Notice to Dismiss Without Prejudice Under Rule 41(a)(1) for Federal Ruled of Civil Procedure</p>	<p>GRANTED. Since Defendants never answered the complaint nor filed a Motion for Summary Judgment, pursuant to Fed.R.Civ.P. 41(a)(1)(i), the Court hereby grants Plaintiff's request for voluntary dismissal. As requested by plaintiffs in their notice of voluntary dismissal, the following causes of action are hereby dismissed: Claims under 42 U.S.C. §1981, Claims under Civil Rights Act of 1964 ; Claims under First Amendment; and Claims under Eight Amendment against both the Commonwealth of Puerto Rico and the individual co-defendants Yahaira Rosado and Sonia Rodriguez; Claims under Ninth Amendment against only the Commonwealth of Puerto Rico; Claims by the plaintiffs' parents on their own behalf under 42 U.S.C. §1983 only against the Commonwealth of Puerto Rico; Claims only against the Commonwealth of Puerto Rico for retroactive relief or damages suffered by plaintiffs as a result of co-defendants action under color of state law, due to the applicability of the Eleventh Amendment; Claim for prospective relief against onlythe Commonwealth of Puerto Rico; and Claims under 42 U.S.C. §1983 asserted against only the Commonwealth of Puerto Rico by the parents of the minors on their own behalf and not as representative of their children. Partial Judgment shall be entered accordingly.</p> <p>Further, since plaintiffs have voluntarily dismissed most of their causes of action against the named co-defendants, and because Amendments to the Complaint should be freely given at early stages of the proceedings and when justice so requires, <i>see</i>, Rule 15(a), Fed.R.Civ.P.; <i>Foman v. Davis</i>, 371 U.S. 178, 182 (1962), the Court, as a house clearing matter, hereby ORDERS plaintiffs to file an Amended Complaint within ten (10) calendar days simplifying the controversies before the Court and to clarify the record, asserting proper causes of action and naming appropriate co-defendants.</p>

Date Filed: 01/19/06 Docket #8 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Motion to Dismiss	DENIED WITHOUT PREJUDICE. In light of the ruling provided at Docket Entry No. 16, defendants may resubmit their motion to dismiss should it be deemed necessary once plaintiffs file their Amended Complaint.
Date Filed: 02/03/06 Docket #11 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Motion to Join (in part) the Commonwealth of Puerto Rico's Motion to Dismiss	MOOT. See rulings at Docket Nos. 8 and 16.
Date Filed: 02/17/06 Docket #18 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Motion to Dismiss	DENIED WITHOUT PREJUDICE. In light of the ruling provided at Docket Entry No. 16, defendants may resubmit, should it be deemed necessary, their motion to dismiss once plaintiffs file their Amended Complaint.
Date Filed: 02/20/06 Docket #19 <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant Title: Motion to Request Leave to File the Attached Reply	MOOT. See rulings at Docket Nos. 8 and 16.

IT IS SO ORDERED.

In San Juan, Puerto Rico this 23rd day of March 2006.

S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE